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PAUL HUNT THOMPSON
JUDGE/EXECUTIVE of FLOYD COUNTY
COMMONWEALTH of KENTUCKY



Floyd County Fiscal Court
149 South Central Avenue - Suite 9
Prestonsburg, Kentucky 41653



FILED FEE WAIVED

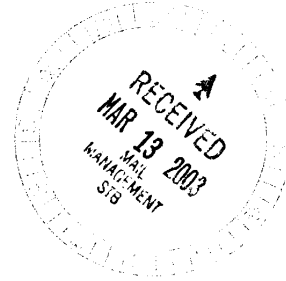
March 4, 2003

Mr. Vernon A. Williams, Secretary
Surface Transportation Board
1925 K St., NW, Room 711
Washington, DC 20423

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ENTERED
Office of Proceedings

MAR 13 2003

Part of
Public Record



Re: CSX Transportation, Inc. – Abandonment - Floyd County, KY – From Milepost CON 3.1 at Salisbury, KY to Milepost CON 16.5 near Clear Creek Junction – Docket No. AB-55 (Sub-No. 627X)

Dear Mr. Williams:

This comment should be treated as a protest or a petition for reconsideration in the above-captioned proceeding. This comment is filed on behalf of the Floyd County Fiscal Court and Floyd County, Kentucky, a political subdivision of the Commonwealth of Kentucky interested in conservation and recreation, which are hereinafter referred to collectively as 'Commenter'.

While not taking a position on the merits of this abandonment, Commenter requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between Milepost CON 3.1 at Salisbury, KY and Milepost CON 16.5 near Clear Creek Junction.

A. Public Use Condition

Commenter requests the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. The justification for this condition is that: The corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. In addition, the corridor provides important wildlife habitat and greenspace and its preservation as a recreational trail is consistent with that end. The time period sought is 180 days from the effective date of the abandonment authorization. Commenter needs this much time because it has not had an opportunity to assemble or to review title information, complete a trail plan, or commence negotiations with the carrier.

Mr. Vernon A. Williams, Secretary
Page 2

2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, Commenter also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

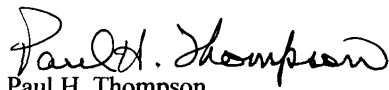
In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 C.E.R. §1152.29, the Floyd County Fiscal Court and Floyd County, Kentucky are willing to assume full responsibility for management of, or any legal liability arising out of the transfer or use of, and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned and operated by CSX Transportation, Inc.

The property, known as the Left Beaver CSX rail line extends from railroad milepost CON 3.1 near Salisbury to railroad milepost CON 16.5 near Clear Creek Junction a distance of 13.4 miles in Floyd County, Kentucky. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-55 (Sub-No. 627X). A map depicting the right-of-way is attached.

The Floyd County Fiscal Court and Floyd County, Kentucky acknowledge that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon CSX Transportation, Inc., 500 Water Street J150, Jacksonville, FL 32202 by U.S. Mail, postage prepaid, first class, this 7th day of March 2003.

Respectfully submitted,



Paul H. Thompson,
Floyd County Judge/Executive
on behalf of the Floyd County Fiscal Court